

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNIFER BROWN,

Plaintiff

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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: **DECISION & ORDER**
: 17-CV-5486 (WFK)
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WILLIAM F. KUNTZ II, United States District Judge:

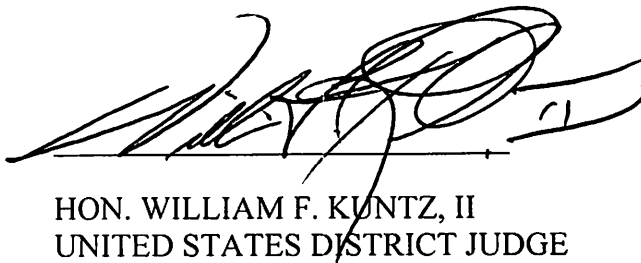
Jennifer Brown (“Plaintiff”), proceeding *pro se*, filed this social security action on September 14, 2017. *See* Compl., ECF No. 1. On September 25, 2017, this Court issued an Order requiring the Commissioner of Social Security (“Defendant”) to file its answer to the complaint on or before December 15, 2017 and to move for judgment on the pleadings on or before February 16, 2018. *See* ECF No. 4. On February 15, 2018, Defendant—with Plaintiff’s consent—requested an extension of time to serve its motion. *See* ECF No. 10. On February 16, 2018, the Court so ordered the parties’ requested amended motion schedule, which provided Plaintiff would respond to Defendant’s motion on or before April 24, 2018. *Id.*; *see also* Feb. 16, 2018 ECF Order. Pursuant to this Court’s Order, Defendant filed its dispositive motion for judgment on the pleadings on May 8, 2018. *See* Def.’s Mot. for J. on the Pleadings, ECF No. 12. Plaintiff, contravening this Court’s Order, never replied to Defendant’s motion.

On May 17, 2019, this Court issued an Order directing Plaintiff to file her response or otherwise show cause as to her failure to respond by June 21, 2019. *See* ECF No. 16. This Court further explained that Plaintiff’s failure to comply with the Court’s Order would result in dismissal of her case. *Id.*

Rule 41(b) of the Federal Rules of Civil Procedure provide, in relevant part, “[f]or failure of the plaintiff to prosecute or to comply with . . . any order of the court, a defendant may move for dismissal of an action or any claim against the defendant.” A district court has the inherent power to dismiss a case with prejudice for lack of prosecution pursuant to Rule 41(b). *See Link v. Wabash R.R. Co.*, 360 U.S. 626, 629 (1962). By failing to respond to Defendant’s motion, thereby contravening the Court’s February 16, 2018 Order, and further failing to comply with the Court’s May 17, 2019 Order directing her to file her response, Plaintiff has failed to pursue her claim. Therefore, the Court concludes Plaintiff’s noncompliance warrants dismissal. Such dismissal is without prejudice given Plaintiff’s *pro se* status.

For the foregoing reasons, the above-captioned action is hereby DISMISSED for failure to prosecute pursuant to Rule 41(b). The Clerk of Court is directed to close the case.

SO ORDERED.



HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2019
Brooklyn, New York